

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: BOX DAC, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231. ON THE DATE INDICATED BELOW.  
BY: Danyle Ritel DATE: January 16, 2002

PATENT  
Box DAC

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re:	Patent Application of Boris Skurkovich, et al.	: Group Art Unit:
		:
		:
Appln. No.:	09/511,972	: Examiner: Not Yet Assigned
		:
		:
Filed:	February 24, 2000	: Attorney Docket
		: No. 53663-5004 (011-2)
		:
For:	METHODS OF PREVENTION	:
	AND TREATMENT OF ASTHMA	:
	AND ALLERGIC CONDITIONS	:

**PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT  
PURSUANT TO 37 C.F.R. §1.181  
NOTICE TO FILE MISSING PARTS NOT RECEIVED**

This Petition is hereby made to the Commissioner to withdraw the abandonment of the above-referenced application. A Notice of Abandonment dated November 19, 2001 was received on November 30, 2001 for failure to respond to the Notice to File Missing Parts mailed on April 18, 2000. Applicants respectfully submit that the Notice to File Missing Parts was never received by Applicant's undersigned representative ("Petitioner").

Petitioner hereby declares that:

1. On April 24, 2000, a filing receipt was received by Petitioner from the PTO. There was no additional correspondence enclosed with the filing receipt.
2. On June 22, 2000, Petitioner filed an Information Disclosure Statement.

3. With the exception of the two return receipt postcards which are stamped to indicate that the filed application and the Information Disclosure Statement were received by the PTO, the filing receipt is the first and last correspondence, originating from the PTO, which was received by Petitioner regarding the above-referenced application prior to receipt of the Notice of Abandonment dated November 19, 2001.
4. Petitioner's prior law firm, Akin, Gump, Strauss, Hauer & Feld, LLP ("AGSH&F"), maintains a PTO Mail Log, wherein all correspondence received from the PTO is routinely recorded. During the time period in question, an entry was made in the PTO Log for each piece of correspondence indicating the application number on the correspondence, the nature of the correspondence, the client matter number (attorney docket number), and the name or initials of the person to which the correspondence was routed. Docketing information was then recorded in AGSH&F's automated docketing system for a response, including any response deadline(s) pertaining to each piece of correspondence, to the responsible attorney. If a document does not appear on the PTO Log, there is no possibility that it was received or docketed.
5. After receiving the above-noted Notice of Abandonment on November 26, 2001, Petitioner reviewed AGSH&F's PTO Log. Petitioner reviewed the log for the period from April 18, 2000 through May 1, 2000 to definitively determine whether any PTO communication had been received by Petitioner for the above-referenced application. A copy of the log for the period from April 24, 2000 through May 1, 2000 is attached as Exhibit A. In addition, a search of the application file was made and did not result in the paper in question being found. Based upon Petitioner's file search and review of the PTO Log, Petitioner concluded that the Notice to File Missing Parts mailed on April 18, 2000 was never received.
6. Also attached is a copy of Petitioner's computer docket sheets for the period that includes March 24, 2000 through August 24, 2001, which is marked as Exhibit B. The attached printout reflects all docketed matter for the undersigned attorney for the applicable period. Please note that the entries for the application (previous Attorney Docket Number 200011.0002) do not reflect a docketed response due to reply to a Notice to File Missing Parts. The docket does, however, indicate that Petitioner was awaiting the first Office Action.

7. Petitioner's review of the pages of AGSH&F's PTO Log for the period from April 24, 2000 through May 1, 2000 shows no indication of the receipt of a Notice to File Missing Parts in the above-referenced application. Further, Petitioner's review of the docketing entries made during that same time period reveals no docketing entries corresponding to a response deadline for any such Notice to File Missing Parts for this application. It is Petitioner's belief that the Notice was either never mailed or it was lost in the mail. In any event, the Notice never arrived at Petitioner's firm.

Accordingly, it is respectfully requested that the abandonment of this application be withdrawn and the referenced application be reinstated. It is also respectfully requested that a new Notice to File Missing Parts be mailed to Petitioner's new address of record and a new statutory period for response be set.

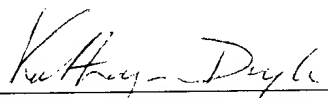
Petitioner believes that there is no fee required with respect to this Petition. However, in the event any fee is necessary, please charge such fee to Deposit Account No. 50-0310 (Internal Billing No. 53663-5004).

Respectfully submitted,

**BORIS SKURKOVICH, ET AL.**

January 16, 2002  
(Date)

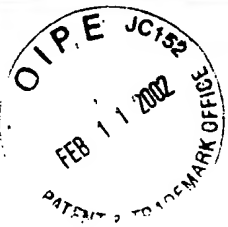
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Enclosures:

Exhibit A – Copy of AGSH&F's PTO Log from April 24, 2000 through May 1, 2000  
Exhibit B – Copy of Attorney's Docket Report from March 24, 2000 through August 24, 2001  
Copy of Notice of Abandonment, dated 11/19/2001  
Notice of Change of Address



COPY OF PAPERS  
ORIGINALLY FILED

Exhibit A

Monday, April 24, 2000

Client/Matter No.	Serial No.	Description	Routing
8743-12U1	09/502,260	Filing Receipt	Tara
0011-2	09/511,972	Filing Receipt	Tara
6351-92	09/469,893	Filing Receipt	Tara
8034-38	29/119,819	Filing Receipt	Tara
8934-73	09/470,298	Filing Receipt	Tara
4555-43	60/184,398	Filing Receipt	Tara
0290-37	60/183,461	Filing Receipt	Tara
9596-41U1	09/439,799	Corrected Filing Receipt	Tara
10338-1	09/479,645	Corrected Filing Receipt	Tara
8743-12U1	09/502,260	Notice to File Missing Parts	WWS
9003-177	09/351,394	Assignment	WWS
9994-22	09/396,353	Assignment	CAJ
9369-36	09/478,462	Assignment	WWS
0927-8	08/908,608	Advisory Action	WWS
6468-149U2	D423,063	Letters Patent	ASN
9890-1	6,050,938	Letters Patent	JSG
8937-2	6,051,242	Letters Patent	ASN

**Tuesday, April 25, 2000**

<b>Client/Matter No.</b>	<b>Serial No.</b>	<b>Description</b>	<b>Routing</b>
7721-7U2	09/492,946	Filing Receipt	Tara
9003-254	09/506,634	Filing Receipt	Tara
6934-10	60/184,399	Filing Receipt	Tara
9369-28	09/372,333	Corrected Filing Receipt	Tara
4070-170	09/482,427	Recorded Assignment	WWS
7676-91	09/445,161	Recorded Assignment	MGB
9598-34U1	09/372,500	Restriction Requirement	KD
0275-3	09/437,948	Restriction Requirement	LLC
9941-3	09/271,582	OA	WWS
0443-17U3	09/412,539	OA	KD
0011-1U3	09/306,286	OA	KD
9726-3	6,049,727	Soft Copies	CAJ
10039-236	6,048,644	Soft Copies	WWS

Wednesday, April 26, 2000

Client/Matter No.	Serial No.	Description	Routing
9982-15	09/488,623	Notice to File Missing Parts	NAM
9982-15	09/488,623	Filing Receipt	Tara
10061-8	09/511,970	Filing Receipt	Tara
0290-29	09/489,156	Corrected Filing Receipt	Tara
8305-56	09/126,254	Issue Fee Transmittal	DEP
8305-31	08/918,708	Supplemental Notice of Allowability	DEP
8806-3	09/170,645	Restriction Requirement	LLK
10000-1	09/187,517	OA	LLK

Friday, April 28, 2000

Client/Matter No.	Serial No.	Description	Routing
0290-5	08/885,291	Issue Notification	KD
0290-42	60/187,598	Filing Receipt	Tara
8899-28	60/186,139	Filing Receipt	Tara
5887-149	60/155,670	Corrected Filing Receipt	Tara
7643-10	09/071,938	Notice of Abandonment	CAJ
0432-9	08/753,864	Notice of Abandonment	WWS
0427-1	09/183,245	Issue Fee Transmittal	DEP, RGZ
10032-1U1	09/295,528	Restriction Requirement	JJ
9746-17U1	09/344,258	OA	JSG
9596-72RE	09/461,056	OA	KD
9318-30	09/425,681	Recordation	WWS
10059-308	09/420,719	Recordation	WWS
9924-17U1	09/425,334	Recordation	KD
0071-1U1	6,053,322	Letters Patent	LLK
8034-28	D423,396	Letters Patent & Soft Copies	MGB
10059-259	6,054,840	Letters Patent & Soft Copies	WWS
6438-94	6,052,864	Letters Patent & Soft Copies	LLK
9900-1	D423,598	Letters Patent & Soft Copies	MGB
9448-64	6,055,389	Letters Patent & Soft Copies	LLK
9982-2	6,052,029	Soft Copies	LLK

Monday, May 01, 2000

Client/Matter No.	Serial No.	Description	Routing
9855-1U2	75/059,063	Decision Granting Status	KD
4070-172	29/120,541	Notice to File Missing Parts	MGB, NAM
8765-115	60/180,893	Filing Receipt	Tara
0290-41	60/186,140	Filing Receipt	Tara
8861-377	09/491,382	Filing Receipt	Tara
8861-232U1	09/515,827	Filing Receipt	Tara
0276-6	09/498,051	Filing Receipt	Tara
9596-306	60/186,141	Filing Receipt	Tara
9784-24	09/470,010	Filing Receipt	Tara
8899-1U1	09/188,945	Corrected Filing Receipt	Tara
9622-5	09/489,212	Corrected Filing Receipt	Tara
10330-3	60/177,286	Recordation	LLK
5013-23U1	09/454,615	Recordation	LLK
8861-162U1	09/416,139	Recordation	LLK
9596-101U1	09/398,172	Recordation	KD
4110-136	29/113,194	Recordation	JJ
9994-19	09/396,487	Recordation	CAJ
10059-346	09/487,852	Recordation	WWS
8305-89	09/425,330	Recordation	WWS
9982-4	09/145,910	Issue Fee Transmittal	DEP
9726-2U1	08/981,860	Issue Fee Transmittal	DEP
9994-3U3	09/384,149	Issue Fee Transmittal	DEP
9764-6	09/103,981	Restriction Requirement	LLK
9994-4U1	09/392,385	OA	CAJ
8182-13	09/399,646	Restriction Requirement	KD
9154-18	09/286,069	OA	LLK
9206-3	09/353,613	OA	CAJ
9298-3U1	09/168,410	OA	WWS
10059-270	09/255,583	OA	WWS
0920-5	09/340,937	OA	WWS
9494-11	09/265,942	OA	MGB
9784-4	09/100,069	OA	WWS
10338-1	09/479,645	OA	ASN, GDC
7551-4	09/349,579	OA	JJ
6438-95	D423,354	Letters Patent	LLK
8861-211	6,054,810	Letters Patent	LLK
8976-1?	6,054,479	Letters Patent	WWS
6468-149U3	D423,609	Letters Patent	ASN



AKIN#	PH-200011.0002		PRINTED ON: 11/30/2001	
COUNTRY	US	UNITED STATES	TITLE	
NEW/CON	NEW	SERIAL#	09/511.972	METHODS OF PREVENTION AND TREATMENTS OF ASTHMA AND ALLERGIC CONDITIONS
RELATED		PATENT#		
TYPE	UTL	STATUS	TRANSFER	
CLIENT	200011	ADVANCED BIOTHERAPY CONCEPTS, INC.		1
AGENT				CREF
				AREF
				PRIOR
				MAIL
				FILE
				PUBL
				ISSUE
				TFD
				1ST

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
SE	Y	SMALL ENTITY STMT	2/24/2000										
PC	N	POST CARD CHECK	2/24/2000	1M	3/24/2000		3/24/2000	0	3/24/2000	0M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	2/24/2000	3M	5/24/2000	0	5/24/2000	0	6/22/2000	1M	Y	Y	Y
FS	N	FILG RCPT STATUS CHK	2/24/2000	3M	5/24/2000		5/24/2000	0	4/24/2000	0M	Y	Y	Y
NC	N	NOTIFY CLIENT OF FF	2/24/2000	6M	8/24/2000	0	8/24/2000	0	8/24/2000	0M	Y	Y	Y
CE	N	CONVENTION ENDS	2/24/2000	12M	2/24/2001		2/24/2001	0		3M	Y	Y	Y
AO	N	AWAITING O/A	2/24/2000	18M	8/24/2001		8/24/2001	0		0M	Y	Y	Y
SC	N	STATUS CHECK	2/24/2000	18M	8/24/2001	0	8/24/2001	0		1M	Y	Y	Y

INVENTORS	ASSIGNEES
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SKURKOVICH SIMON	

USER-DEFINABLE FIELDS		PATENT FIELDS	
PSJN #	00011002US	SMALL ENTITY	YES
Conf #		CLAIMS	
Caltn3		PAY	
		ART UNIT	
		EXAMINER	
P15355US0		ENTERED	2/24/2000
MODIFIED		8/24/2000	BY MSS
ATTORNEYS		ASN	/ N/A / N/A